Supreme Court, U.S.
FILED
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No. 90-985

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

JAYNE BRAY, *et al.*,
Petitioners,

v.

ALEXANDRIA WOMEN'S HEALTH CLINIC, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

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JOINT APPENDIX

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PETITION FOR CERTIORARI FILED DECEMBER 18, 1990
CERTIORARI GRANTED FEBRUARY 25, 1991

TABLE OF CONTENTS

	Page
Relevant Docket Entries	1
Amended Complaint	3
Plaintiffs' Trial Exhibit 1 (excerpt)	22
Plaintiffs' Trial Exhibit 7 (excerpt)	22
Plaintiffs' Trial Exhibit 12	24
Oral Opinion of the District Court (excerpt of trial transcript of Nov. 20, 1989, Vol. B)	28

The following items are reproduced in the Appendix to the Petition for Writ of Certiorari:

Item	
Opinion, U.S. Court of Appeals for the Fourth Circuit (Sept. 19, 1990)	1a
Permanent Injunction, U.S. District Court for the Eastern District of Virginia (Nov. 22, 1989)	10a
Findings of Fact and Conclusions of Law, U.S. District Court for the Eastern District of Virginia (Dec. 6, 1989)	14a
Order, U.S. District Court for the Eastern District of Virginia (Feb. 13, 1990) (awarding fees)	43a
Injunction, U.S. District Court for the Eastern District of Virginia (Sept. 21, 1990) (extending injunction to Sept. 24, 1991)	57a

RELEVANT DOCKET ENTRIES

I. U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Date	Proceedings
11/8/89	Complaint filed.
11/8/89	Motion for TRO & Expedited Hearing filed by Pltfs.
11/8/89	Application for Preliminary Injunction (PI) & Expedited Hearing filed by Pltfs.
11/8/89	Memorandum in Support of Application for PI filed by Pltfs.
11/8/89	Exhibits to Memorandum in Support of Application for PI filed by Pltfs.
11/9/89	Amended Complaint filed.
11/9/89	Trial Proceedings (hearing on TRO).
11/9/89	Order granting TRO.
11/16/89	Trial Proceedings.
11/16/89	Order extending TRO.
11/20/89	Trial Proceedings (continuation of hearing of 9/16/89); Judgment granting PI with some limitations, order to be entered.
11/22/89	Permanent Injunction entered and filed.
12/4/89	Application for Attorneys' Fees and Costs filed by Pltfs.
12/6/89	Findings of Fact and Conclusions of Law filed.
12/20/89	Notice of Appeal of Order of 11/20/89 filed by Defts.
12/29/89	Notice of Cross-Appeal filed by Pltfs.
1/11/90	Amended Notice of Cross-Appeal filed by Pltfs.
2/13/90	Order that Defts pay Pltfs attorney fees and costs entered and filed.

Date	Proceedings
3/15/90	Notice of Appeal of Order of 2/13/90 filed by Defts.
7/6/90	Motion for Extension and Modification of Permanent Injunction filed by Pltfs.
7/31/90	Injunction order (extending duration of injunction)
9/21/90	Injunction order (extending duration of injunction)
II. U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT	
3/20/90	Order consolidating appeal of Defts (12/20/89), cross-appeal of Pltfs (12/29/89), and additional appeal of Defts (3/15/90).
7/18/90	Oral Argument.
9/19/90	Opinion affirming judgment of district court.
10/10/90	Mandate issued.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action No. 89-1558-A

NATIONAL ORGANIZATION FOR WOMEN
1000 16th Street, N.W., Suite 700
Washington, D.C. 20036

and

51ST STATE NATIONAL ORGANIZATION FOR WOMEN
3104 18th Street, N.W.
Washington, D.C. 20010

and

MARYLAND NATIONAL ORGANIZATION FOR WOMEN
P.O. Box 451
Columbia, Maryland 21045

and

VIRGINIA NATIONAL ORGANIZATION FOR WOMEN
P.O. Box 3244
Arlington, Virginia 22203

and

PLANNED PARENTHOOD OF METROPOLITAN WASHINGTON, D.C., INC.
1108 Sixteenth Street, N.W.
Washington, D.C. 20036

and

NATIONAL ABORTION FEDERATION
1436 U Street, N.W.
Washington, D.C.

and

COMMONWEALTH WOMEN'S CLINIC
916 West Broad Street
Falls Church, Virginia 22046

and

NOVA WOMEN'S MEDICAL CENTER
9900 Main Street, Suite 305
Fairfax, Virginia 22030

and

ALEXANDRIA WOMEN'S HEALTH CLINIC
101 South Whiting Street
Landmark
Alexandria, Virginia 22304

and

PRINCE WILLIAM WOMEN'S CLINIC
9384-C Forestwood Lane
Manassas, Virginia 22110

and

GYNECARE ASSOCIATES
312 South Washington Street
Alexandria, Virginia 22314

and

METRO MEDICAL CENTER, INC.
d/b/a Annandale Women's Center
2871 Duke Street
Alexandria, Virginia 22314

and

CAPITOL WOMEN'S CENTER, INC.
1339 22nd Street, N.W.
Washington, D.C. 20037

and

HILLCREST WOMEN'S SURGI-CENTER
7603 Georgia Avenue, N.W.
Washington, D.C. 20012

and

METROPOLITAN FAMILY PLANNING INSTITUTE
5915 Greenbelt Road
College Park, Maryland 20705

Plaintiffs,

v.

OPERATION RESCUE
234 Chenango Street
Binghamton, New York 13901

and

PROJECT RESCUE
12106 Forge Lane
Bowie, Maryland
or
P.O. Box 550
Bowie, Maryland 20715

and

THE D.C. PROJECT
17 D Street, S.E.
Washington, D.C. 20003
(202) 543-8971

and

VETERANS CAMPAIGN FOR LIFE
Street address unknown
Washington, D.C.
(202) 543-8971

and

RANDALL TERRY
Fulton County Correctional Facility
410 South Main Street
Alpharetta, Georgia 30201

and

PATRICK MAHONEY
17 D Street S.E.
Washington, D.C. 20003

and

CLIFFORD GANNETT
12209 Foxhill Lane
Bowie, Maryland

and

MICHAEL MCMONAGLE
247 Keswick Avenue
Glenside, Pennsylvania 19038

and

MICHAEL BRAY
2927 Tarragor Lane
Bowie, Maryland

and

JANE BRAY
2927 Tarragon Lane
Bowie, Maryland

Defendants.

AMENDED COMPLAINT

Preliminary Statement

1. This is an action for declaratory and injunctive relief in order to stop operations variously known as "Operation Rescue," "Project Rescue," the "D.C. Project," and "Veterans' Campaign for Life," which threaten the health and safety of women seeking abortions or other family planning services in the Washington Metropolitan area and elsewhere. In particular, defendants, and others acting in concert and participation with them, intend to blockade and harass family planning clinics and abortion providers, and to intimidate, harass and restrain women attempting to use the services of such clinics. Plaintiffs, including clinics as well as organizations representing affected women, seek a limited injunction in order to prevent these so-called "rescue" operations which unlawfully

interfere with their right to obtain and provide abortions and other medical services.

2. Defendants' blockades of clinics, which have occurred repeatedly in the past, are scheduled to resume in the Washington Metropolitan area beginning on or about November 10, 1989. Defendants' actions will greatly increase the health risks faced by women seeking counseling, abortions, and other medical services in the targeted facilities and will also irreparably injure the plaintiff clinics.

Jurisdiction and Venue

3. This Court has jurisdiction of the subject matter of this action under 28 U.S.C. § 1331 in that plaintiffs allege violations of federal law. In addition, jurisdiction is proper under 42 U.S.C. § 1985(3), 28 U.S.C. § 1343, and the doctrine of pendent jurisdiction.

4. Venue in this District is proper under 28 U.S.C. § 1391(b).

Parties—Plaintiffs

5. Plaintiff National Organization for Women is a membership organization with 250,000 members nationwide, and offices at 1000 Sixteenth Street, N.W., Suite 700, Washington, D.C. 20036. It sues on behalf of itself and its members, who include women who will need to use abortion and family planning clinics in the Washington Metropolitan area and throughout the United States.

6. Plaintiff 51st State National Organization for Women is a membership organization, located at 3104 18th Street, N.W., Washington, D.C. 20010. It sues on behalf of itself and its members, who include women residing in the District of Columbia who will need to use abortion and family planning clinics in the Washington Metropolitan area.

7. Plaintiff Maryland National Organization for Women is a membership organization, whose mailing address is P.O. Box 451, Columbia, Maryland 21045. It

sues on behalf of itself and its members, including women residing in Maryland who will need to use abortion and family planning clinics in the Washington Metropolitan area.

8. Plaintiff Virginia National Organization for Women is a membership organization, whose mailing address is P.O. Box 3244, Arlington, Virginia 22203. It sues on behalf of itself and its members, including women residing in Virginia who will need to use abortion and family planning clinics in the Washington Metropolitan area.

9. Plaintiff Planned Parenthood of Metropolitan Washington, D.C., Inc. ("PPMW"), located at 1108 16th Street, N.W., Washington, D.C. 20036, is a not-for-profit corporation organized under the laws of the District of Columbia. PPMW operates eight family planning clinics in the Washington Metropolitan area. Abortion services are provided at two of these clinics: Planned Parenthood Clinic located at 1701 Q Street, N.W., Washington, D.C. 20009, and Planned Parenthood Clinic located at 8605 Cameron Street, Suite 204, Silver Spring, Maryland 20910. These clinics provide abortions and other family planning and gynecological care to residents of the Washington Metropolitan area. Family planning and gynecological care, including abortion counseling and referral as appropriate, are provided to residents of the Washington Metropolitan area at these clinics: Planned Parenthood Clinic located at 5622 Columbia Pike, Suite 303, Falls Church, Virginia 22041; Planned Parenthood Clinic located at 10875 Main Street, Suite 208, Fairfax, Virginia 22030; Planned Parenthood Clinic located at 1108 16th Street, N.W., Washington, D.C. 20036; Planned Parenthood Clinic located at 2811 Pennsylvania Avenue, S.E., Washington, D.C. 20020; Planned Parenthood Clinic located at 4701 Randolph Road, Suite 209, Rockville, Maryland 20852; and Planned Parenthood Clinic located at Landover Mall, East Tower, Suite 203, Landover, Maryland 20785.

10. Plaintiff National Abortion Federation, located at 1436 U Street, N.W., Washington, D.C., is a not-for-profit professional association of abortion and other reproductive health services providers. Its members include more than 260 abortion clinics, operating in 45 states, the District of Columbia, and the Commonwealth of Puerto Rico, as well as individual physicians who provide abortion services.

11. Plaintiff Capitol Women's Clinic, Inc., located at 1339 22nd Street, N.W., Washington, D.C. 20037, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

12. Plaintiff Commonwealth Women's Clinic, located at 916 W. Broad Street, Falls Church, Virginia 22046, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

13. Plaintiff NOVA Women's Medical Center, located at 9900 Maine Street, Suite 305, Fairfax, Virginia 22030, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

14. Plaintiff Alexandria Women's Health Clinic, located at 101 South Whiting Street, Landmark, Alexandria, Virginia 22304, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

15. Plaintiff Prince William Women's Clinic, located at 9384-C Forestwood Lane, Manassas, Virginia 22110 is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

16. Plaintiff Gynecare Associates, located at 312 South Washington Street, Alexandria, Virginia 22314, is a

health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

17. Plaintiff Hillcrest Women's Surgi-Center, located at 3233 Pennsylvania Avenue, S.E., Washington, D.C. 20020, and at 7603 Georgia Avenue, N.W., Washington, D.C. 20012, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

18. Plaintiff Metropolitan Family Planning Institute, located at 5915 Greenbelt Road, College Park, Maryland 20705, is a health care provider that provides abortions and other family planning and gynecological care to residents of the Washington Metropolitan area.

Parties—Defendants

15. Defendant Operation Rescue is an unincorporated association with offices at 234 Chenengo Street, Binghamton, New York and elsewhere, and D.C. telephone number (202) 543-8971, whose purpose is to organize and coordinate disruptions of abortion and family planning facilities, including past and future blockades in the Washington Metropolitan area. Operation Rescue refers to its actions as so-called "rescues." Defendant trains individuals to perform "rescues" and renders assistance and resources to "rescues" throughout the United States and Canada.

16. Defendant Project Rescue is an unincorporated association affiliated with Operation Rescue, and is organizing and coordinating disruptions of abortion and family planning facilities planned in the Washington Metropolitan area. Project Rescue is located at 12106 Forge Lane, Bowie, Maryland. Its mailing address is P.O. Box 550, Bowie, Maryland 20715. It has D.C. telephone number (202) 543-8971.

17. Defendant The D.C. Project is an unincorporated association affiliated with Operation Rescue, and is organizing and coordinating disruptions of abortion and family planning facilities planned in the Washington Metropolitan area. Defendant The D.C. Project has D.C. telephone number (202) 543-8971.

18. Defendant The Veterans Campaign for Life is an unincorporated association affiliated with Operation Rescue, and is organizing and coordinating disruptions of abortion and family planning facilities on or about Veterans Day weekend, November 10-12, 1989, in the Washington Metropolitan area. Defendant The Veterans Campaign for Life has D.C. telephone number (202) 543-8971.

19. Defendant Randall Terry is the National Director of defendant Operation Rescue. He is currently incarcerated at the Fulton County Correctional Facility, 410 South Main Street, Alpharetta, Georgia 30201, for unlawful activities in connection with Operation Rescue. Defendant Terry has been involved in organizing and coordinating activities planned by defendants for the Washington Metropolitan area.

20. Defendant Patrick Mahoney is a paid staff member of Operation Rescue, and is organizing and coordinating Washington Metrpolitan area activities for the D.C. Project and other defendants. On information and belief, he currently resides at 2927 Tarragon Lane, Bowie, Maryland.

21. Defendant Clifford Gannett is director of Project Rescue, and is organizing and coordinating activities planned by defendants for the Washington Metropolitan area. On information and belief, he resides at 12106 Forge Lane, Bowie, Maryland.

22. Defendant Michael McMonagle works at Operation Rescue with Terry Randall, has organized and coordinated

activities at Operation Rescue, and is organizing and coordinating activities planned by defendants for the Washington Metropolitan area. On information and belief, he resides at 247 Keswick Avenue, Glenside, Pennsylvania.

23. Defendant Michael Bray has organized and coordinated activities for Operation Rescue, and is organizing and coordinating activities planned by defendants for the Washington Metropolitan area. On information and belief, he resides at 2927 Tarragon Lane, Bowie, Maryland.

24. Defendant Jane Bray is organizing and coordinating activities planned by defendants for the Washington Metropolitan area, including meetings at the D.C. Armory on or around November 15-17, 1989.

25. Each defendant individual is sued in his or her individual capacity and as an officer or managing agent of each of the defendant organizations. Plaintiffs aver, on information and belief, that defendants are interacting closely in organizing and coordinating the unlawful conduct alleged herein. Plaintiffs are unable further to specify the interrelation and membership of the defendant individuals and defendant organizations because, upon information and belief, defendants have conspired to conceal this information.

Facts

26. Defendant Operation Rescue and the defendant individuals, pursuant to an ongoing conspiracy, have engaged in unlawful actions against clinics providing abortion services and against women seeking to use these clinics. Defendants have referred to their actions as so-called "rescues", and to the groups planning these "rescues" by various names, including "Operation Rescue."

27. The unlawful "rescues" organized and engaged in by Operation Rescue and by the defendant individuals,

in the Washington Metropolitan area and elsewhere, have obstructed and closed down clinics where abortions are performed through a variety of tortious means, including trespassing on, sitting in, blocking, and impeding and obstructing entrance to and exit from, and access to and from, such facilities, and have impeded public passage on the sidewalks and streets around such facilities. These defendants also have intimidated and harassed patients and employees of the clinics and have subjected them to severe emotional distress, staged disruptive protests, destroyed property, and otherwise disrupted and interfered with the medical and business operations of these facilities.

28. Defendant individuals have a track record of unlawful activity in connection with their so-called "rescues." The lawbreaking activity of these defendants, and of others acting in concert and participation with them, has been enjoined in New York, Pennsylvania, Connecticut, Washington State, and California.

29. In addition, thousands of individuals, including some of the defendant individuals, have been convicted of criminal offenses for their illegal actions at "rescues" in the Washington Metropolitan area and elsewhere throughout the country. During the past year, over five hundred arrests have occurred as a result of "rescues" at plaintiff Hillcrest Women's Surgi-Center in D.C. and at plaintiff Commonwealth Women's Clinic in Virgina.

30. Defendants intend to resume these "rescues" in the Washington Metropolitan area on or about November 10, 1989, and have organized themselves under names including "Operation Rescue," "Project Rescue," the "D.C. Project," and "Veterans' Campaign for Life." Upon information and belief, defendants in carrying out the Washington Metropolitan area "rescues" hope to be

joined by several thousand people from various parts of the country.

31. In a news conference held on August 3, 1989, in the District of Columbia, defendants announced their intent to resume activities in the Washington Metropolitan area. Defendants' published plans for the Washington Metropolitan area state explicitly that they intend to engage in "rescue missions," to "rescue those who are unjustly sentenced to death," and to "intervene to save babies scheduled to die in the Washington, D.C. area." Defendants' instructions to those acting in concert and participation with them acknowledge that they are likely to be arrested.

32. Defendants have not publicly stated which clinics in the Washington Metropolitan area they will target. On information and belief, defendants intend to keep this aspect of the "rescues" secret in order to frustrate attempts to protect and guarantee women's access to the clinics and providers.

33. Defendants' plans to disrupt the provision of gynecological medical services in the Washington Metropolitan area include the following actions to-date: defendants have distributed fliers inviting others to participate in rallies and training sessions—to learn how to perform the so-called "rescues"—beginning November 10, 1989. Specific dates have been earmarked to "take the training we have received and mak[e] it come alive "in the streets'." "Rescues" in the Washington Metropolitan area have been announced by defendants for November 11, 17, and 18, 1989. On information and belief, blockades have also been planned for November 29 and December 5, 1989, when the Supreme Court is scheduled to hear oral arguments in cases involving abortion-related issues, and on other dates between November 10 and December 10, 1989.

34. The "rescues" are intended to have and will have the effect of denying or disrupting women's access to the targeted clinics and providers with the intended result that many women will have to delay their scheduled services. Any delay in the provision of health services relating to childbirth and abortion may severely increase the health risks faced by the women affected.

35. Unless defendants' threatened and unlawful activities are immediately enjoined, substantial and irreparable damage will be done to plaintiffs' health and safety, and to their right to choose an abortion and to carry out that decision, as well as to the plaintiff clinics' rights to conduct their business.

36. Defendants intend to continue their so-called "rescues" in the future, both in the Metropolitan Washington area and elsewhere in the United States.

37. Plaintiffs have no adequate remedy at law.

First Cause of Action

42 U.S.C. § 1985(3)—Right to Travel

38. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 37 as if fully set forth herein.

39. Defendants have conspired with each other and other parties presently unknown for the purpose of denying women seeking abortions and other family planning and gynecological services at targeted facilities the equal protection of the laws and the privileges and immunities under the law, and have conspired to deprive women of their right to travel, in violation of 42 U.S.C. § 1985(3). Defendants are and continue to be motivated by an invidiously discriminatory animus directed at women, and at women who seek the services of providers of abortions and related services.

Second Cause of Action

42 U.S.C. § 1985(3)—Privacy Rights

40. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 37 as if fully set forth herein.

41. Defendants have conspired with each other and other parties presently unknown for the purpose of denying women seeking abortions at targeted facilities their rights to privacy, in violation of 42 U.S.C. § 1985(3). Defendants are and continue to be motivated by an invidiously discriminatory animus directed at women, and at women who seek the services of providers of abortions and related services.

Third Cause of Action

Trespass

42. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 37 as if fully set forth herein.

43. The actions taken and planned by defendants, jointly and individually, constitute an intentional tortious trespass on the targeted clinics and abortion providers, including the plaintiff clinics and abortion providers, in violation of D.C. Code § 22-3102 and Md. Code art. 27, § 577.

44. The actions taken and planned by defendants, jointly and individually, constitute an intentional tortious trespass on the targeted clinics and abortion providers, including the plaintiff clinics and abortion providers, after defendants have been forbidden from such action, in violation of Va. Code § 18.2-119.

45. The actions taken and planned by defendants, jointly and individually, constitute an intentional tortious trespass on the targeted clinics and abortion providers,

that will prevent the clinics and abortion providers, including the plaintiff clinics and abortion providers, from providing family planning, counseling, and medical services to women seeking such services, in violation of Va. Code § 18.2-120.

46. The actions taken and planned by defendants, jointly and individually, constitute an intentional tortious trespass on the targeted clinics and abortion providers that will interfere with the rights of clinics and abortion providers, including the plaintiff clinics and abortion providers, from providing family planning, counseling, and medical services to women seeking such services, in violation of Va. Code § 18.2-121.

47. The actions taken and planned by defendants, jointly and individually, constitute an intentional interference with access to and egress from targeted clinics and abortion providers, including the plaintiff clinics and abortion providers, in violation of Md. Code art. 27, § 577B.

Fourth Cause of Action

Tortious Interference with Business Relationships

48. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 37 as if fully set forth herein.

49. The actions taken and planned by defendants, jointly and individually, constitute an intentional tortious interference with the contractual and business relationships of the targeted clinics and abortion providers, including the plaintiff clinics and abortion providers, in violation of the common laws of the District of Columbia, Virginia, and Maryland.

Fifth Cause of Action

Public Nuisance

50. Plaintiffs repeat and reallege each of the allegations set forth in paragraphs 1 through 37 as if fully set forth herein.

51. The actions taken and planned by defendants, jointly and individually, constitute a public nuisance designed to, and having the effect of, endangering the public security, safety and welfare and interfering with the public's right to obtain medical services in violation of the common laws of the District of Columbia, Virginia and Maryland.

WHEREFORE plaintiffs request judgment as follows:

1. A declaration that the actions taken and planned by defendants violate plaintiffs' rights to obtain and provide abortions under the United States Constitution and the statutes and common law of the District of Columbia, Virginia, and Maryland.

2. Preliminary and permanent injunctive relief providing as follows:

a. That the defendants, their officers, directors, agents, and employees, and all organizations and persons acting in concert or participation with defendants who receive notice of the preliminary injunction (by personal service, by having it read to them, or otherwise) be enjoined and restrained in any manner, or by any means, from:

i. trespassing on, sitting in, blocking, impeding or obstructing ingress into or egress from any facility at which abortions, family planning, or gynecological services are provided in the Washington Metropolitan Area;

ii. harassing, intimidating or physically abusing persons entering, leaving, working at, or using any services at any facility at which abortions, family planning or gynecological services are provided in the Washingotn Metropolitan Area; Provided, however, that: (a) "sidewalk counseling," consisting of reasonably quiet conversation of a non-threatening nature by not more than two people with each person they are seeking to

counsel shall not be prohibited on public sidewalks; (b) no one is required to accept or listen to "sidewalk counseling" and should anyone decline such counseling, that person shall have the absolute right to leave or walk away without harassment, and (c) "sidewalk counseling" as defined herein shall not limit the right of the Police Department or the United States Marshal to maintain public order by reasonably necessary rules and regulations as they decide are necessary at any particular demonstration site;

iii. obstructing the work of the persons located in any facility at which abortions, family planning or gynecological services are provided in the Washington Metropolitan Area by producing noise by any means—including singing, chanting, yelling, shouting, or screaming—that substantially interferes with the provision of medical services, including counseling, within any such facility; and

iv. inducing, encouraging, or directing others to take any of the actions described in paragraphs i.-iii. above.

b. That defendant organizations and their officers, and defendant individuals, be directed to inform all persons who assemble to participate in any "rescue" demonstration, or similar action in concert or participation with defendants of the existence and contents of the preliminary injunction governing the behaviors specified in paragraphs i.-iv. above;

c. That nothing in the Preliminary Injunction shall be construed to limit exercise of legitimate First Amendment rights;

d. That a contempt penalty of $25,000 per day for the first violation of the Order be imposed on each defendant,

each officer, director, agent or employee of defendants, and each person acting in concert or participation with defendants with notice of this Preliminary Injunction, who violates the terms of this Preliminary Injunction and whose contempt is proven;

e. That each successive violation of this Order subject the contemnor to a civil contempt fine double that of the previous fine;

f. That any amounts collected under a judgment of contempt be paid into the Registry of the Court to be disbursed by further Order of the Court; and

g. That each contemnor be jointly and severally liable for all attorneys' fees and related costs incurred by plaintiffs in relation to enforcement of the Preliminary Injunction.

3. Awarding costs to plaintiffs.

4. The grant of such other further relief as may be appropriate, just and proper.

Respectfully submitted,

/s/ Pamela S. Passman
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Dated: November 9, 1989

U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

(Title Omitted in Printing)

PLAINTIFFS' TRIAL EXHIBIT 1 (excerpt)

WHAT ARE "RESCUE MISSIONS?"

Rescue missions are heroic attempts by God-fearing people to save babies and mothers from abortion on a *particular day*, by *peacefully, but physically* blockading abortion mills with their bodies, to intervene between abortionists and the innocent victims. Many children in America are alive today because of these efforts. Rescuers are usually arrested, charged with a minor infraction, such as trespassing or disorderly conduct, and released the same day.

PLAINTIFFS' TRIAL EXHIBIT 7 (excerpt)

I am tired of listening to my sisters in the National Organization for Women accuse me of violence. I have been in the leadership of Operation Rescue from the beginning. I have been in the forefront of a movement which has led 20,000 women like me to risk imprisonment in this country. Our crime? We try to protect the 800,000 women whom the N.O.W. wants to see butchered in their own mothers' wombs.

The National Organization for Women claims to represent women, but they are not even the 10th largest women's organization in the country. They are a tiny minority which has the arrogance to accuse us of violence while they tell hundreds of thousands of women each year to massacre their daughters—our sisters—in their wombs. We are not the violent ones.

I have defended our non-violent track record many times to skeptics, but let me state it again:

—since May of 1988, 50,000 people have risked arrest in America, 20,000 of them women

—There have been no acts of violence on our part. I know; I have been involved since the beginning.

—We have remained passive while N.O.W. and their beligerant henchmen have physically assaulted peaceful rescuers sitting on the ground. I myself have been assaulted by *men* doing N.O.W.'s dirty work

U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

(Title Omitted in Printing)

PLAINTIFFS' TRIAL EXHIBIT 12

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 89-2968-LFO

NOW, *et al.*,
Plaintiffs,

v.

OPERATION RESCUE, *et al.*,
Defendants.

AFFIDAVIT OF RANDALL A. TERRY

I, RANDALL A. TERRY, being first duly sworn state

1. I am a defendant in the above-captioned matter.

2. I am resident of Binghampton, New York, although I currently reside in the Fulton County Correctional and Rehabilitation Facility, Fulton County, Georgia.

3. Nothing could be further from the truth than a claim that I act with an invidiously discriminatory animus toward women, generally, or toward abortion-bound women, particularly. Jesus did not condemn the

woman at the well. As a follower of Jesus Christ, I do not have the luxury of condemning others who share my common human frailties.

4. My abortion-related protest activities have nothing to do with hatred for any woman or a desire to treat any woman or grouping of woman in a discriminatory fashion. Rather, rescue is a form of repentance for my personal failures that led to abortion on demand in this country, and that permit abortion on demand to continue in this country.

5. The common name for the religiously motivated social movement about which Plaintiffs are complaining, Rescue, is taken from the Holy Bible, the Book of Proverbs 24:11-12, wherein the Lord God commands us to rescue those who are being dragged to their death.

6. When I have participated in abortuary blockades in the past, I have never acted in a way fairly described as discriminatory toward women or abortion-bound women. Instead, while the child-killing facility is blockaded, no one is permitted to enter past the rescuers. Neither women nor men. Doctors, nurses, patients, staff, abortion-bound women, families of abortion-bound women —all are prevented from *entering* the abortuary while the rescue is in progress. This approach may be many things but it is not discriminatory in any respect complained of by the businessmen-abortionists and the other Plaintiffs in this case.

7. Because I have been accused of acting in an invidiously discriminatory fashion toward women, generally, and toward abortion-bound women, in particular, I believe the Court should be apprised of the truth testified to by my life:

a. I am married and a father of daughters; I love these very important women in my life and

have never been accused of treating them in an invidiously discriminatory fashion;

b. Together with my wife, I founded and ran The Crisis Pregnancy Center, in Binghampton, New York. When it became necessary to turn management of that charitable endeavor over to another, I was responsible for placing the Center's management in the hands of a woman, who was the best person for the task. Neither in running that Center, or in the process of turning control over to another, have I been accused of acting in an invidiously discriminatory manner toward women or abortion-bound women.

c. Operation Rescue, of Binghampton, New York, employs several women, including in the key position of press secretary. I was responsible for the hiring for these positions. In my personnel relationships at Operation Rescue, I have never been accused of acting in an invidiously discriminatory manner toward women or abortion-bound women.

d. In the Church of which I am member, I am an elder and their are presently women deacons. In my church relationships, I have never been accused of acting in an invidiously discriminatory manner toward women or abortion-bound women.

8. My commitment to helping abortion-bound women and my concern for them has taken many forms. I helped to organize a system of shepherding homes where unwed mothers could live when turned out of their family homes. I have transported women to the medical appointments. I even took one girl who changed her mind about aborting her baby to the hospital for her delivery, and I stayed by her side until it was time for her cesarean delivery. I have spent hours upon hours

counseling pregnant women, even at home during times I should have spent with my family.

FURTHER YOUR AFFIANT SAYETH NOT.

/s/ Randall A. Terry
RANDALL A. TERRY

(Notarization Omitted in Printing)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISRICT OF VIRGINIA
Alexandria Division

(Title Omitted in Printing)

ORAL OPINION OF THE DISTRICT COURT

(Excerpt of Trial Transcript)

Before:

THE HONORABLE T.S. ELLIS, III, Presiding
United States District Court Judge

APPEARANCES:

For the Plaintiffs:

John Schafer, Esq.
Pamela Passman, Esq.

For the Defendants:

Doug Davis, Esq.

* * * *

[B-86] THE COURT: The matter comes before the Court on the plaintiffs' application for a permanent injunction to enjoin the defendants from, among other things, physically impeding access to or egress from, the premises where the plaintiffs either seek to obtain or render legal abortion services and related medical advice.

And the Court is going to state now its findings of fact and conclusions of law pursuant to Rule 52, Federal Rules of Civil Procedure. But I will reduce them to writing and will amplify them in the writing.

At the outset—I'll state this again at the end. But at the outset before turning to the findings of fact and conclusions, let me state that nothing in the order of the Court and nothing in these facts, findings of facts and conclusions is intended to or should be taken as intimating any view that this Court might have with respect to the legality or morality of abortion or otherwise. It has nothing to do with that except, of course, incidentally, as the parties involved have that as the root [B-87] cause of that disagreement. But that's not the issue presented to the Court in this case. And this case doesn't require the Court and the Court does not intend to, nor does it, express any view as to that issue.

The Court does have jurisdiction and venue in this case. Plaintiffs allege violations of 42 U.S.C. 1985(3) and, therefore, the Court has jurisdiction over the subject matter of this action pursuant to 1331 and 1343 of the United States Code. And the state claims, the Court has jurisdiction of the state causes of action under the doctrine of pendent jurisdiction under *United Mine Workers against Gibbs.* Venue is proper under 1391(b).

The proceedings to date are, briefly summarized, the plaintiffs came before the Court on November 8th seeking a temporary restraining order. The plaintiffs appeared by counsel. And the defendants, having received, apparently, actual notice, also appeared by counsel. The matter was argued. Defendants' counsel accepted service on behalf of the defendants. At the conclusion of oral argument, the Court issued a temporary restraining order and also, without objection of the parties, expedited the merits to be heard with the application for a preliminary injunction.

Now, the TRO that the Court entered was to expire on Saturday, November 18th, before the Court could complete [B-88] the hearing on the merits. And accordingly, for that reason, for good cause shown, and pursuant to 65(b), Federal Rules of Civil Procedure, the Court extended the TRO for an additional ten days. The Court has held a two-day trial on the merits of this action on November 16th and today, November 20th.

Plaintiffs presented testimony from nine witnesses and introduced a number of exhibits.

Let me have the list of exhibits, please.

The exhibits admitted were Exhibit 1; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13, which is one-page "Project Rescue"; and 14, two pages of "Project Rescue"; 16; 17 and 18.

All right. The parties in this matter: The plaintiff organizations—that is, the National Organization for Women, Maryland National Organization, Virginia National Organization, and the Fifty-First State National Organization, all National Organization for Women affiliates, and the Planned Parenthood of Metropolitan Washington are membership organizations. And one of their membership goals or purposes is the establishment or preservation of rights, if any, that women may have to seek and obtain abortions. They sue here on behalf of their members, who include women who will need to use abortion and family-planning clinics in the Eastern District of [B-89] Virginia or Nor'hern Virginia.

The National Association—the National Abortion Federation plaintiff—Mr. Schafer, I'm not sure we heard any evidence on them. Did we?

MR. SCHAFER: They represent, Your Honor, individual clinics. But I think you're right that there was no actual evidence submitted on that organization.

THE COURT: All right. Are they a necessary plaintiff in this matter?

MR. SCHAFER: No, they are not.

THE COURT: All right. Then the individual plaintiffs, clinic plaintiffs, are a number of clinics in the Washington metropolitan area that the Court heard evidence on: some in Northern Virginia, some in the District of Columbia and some in Maryland. These provide pregnancy terminations, or abortions, family planning and gynecological care to women, many of whom come from other states to obtain these services.

The defendants in this matter are comprised of one organization and six individuals. The organization is entitled "Operation Rescue," which is apparently an unincorporated association, whose membership opposes abortion and whose purpose, purposes include the organization and coordination of disruptive, of disruptions of abortion and family-planning facilities in the [B-90] Washington metropolitan area.

The individuals: Defendant Randall Terry is the national director of Operation Rescue and, although currently incarcerated in Fulton County Correctional Facility, he is, nonetheless, it is quite plain to this Court, still involved in the direction of the activities of Operation Rescue. Indeed, counsel for defendants indicated as much in their representations to the Court.

Defendant Patrick Mahoney is a paid consultant to Operation Rescue. And from the evidence adduced here in court, he is present at activities of Operation Rescue where blockades of clinics occur.

Operation Rescue refers to actions of its members in blockading clinics as "rescues." And Operation Rescue trains individuals to perform rescues, as so defined, and renders assistance and resources to rescuers—at least throughout the Washington metropolitan area and, it would appear, throughout the country.

Defendant Clifford Gannett, or Ga-nay [phonetic], is director of Project Rescue, which is one of the activities planned by Operation Rescue in this area. And it would appear from the record that Mr. Gannett organizes and coordinates activites in the Washington metropolitan area for the Operation Rescue.

Defendant Michael McMonagle works as well with [B-91] Operation Rescue. And it would appear from the record that he, too, organizes and coordinates activities in the metropolitan Washington area for Operation Rescue and the other individual defendants. And the same essentially is true for Michael Bray and Jayne Bray, Jayne Bray having been involved, according to the testimony in this case, in rescues or blockades in this metropolitan area.

There are a total of five causes of action alleged. There are two federal causes of action alleged under 42 U.S.C. 1985(3), the first being a conspiracy to deprive women seeking to use the clinics of their right to free and unhindered interstate travel, and, secondly, the conspiracy to deprive women seeking the services of these clinics from their right, if any exists, to obtain an abortion.

Let me address the first one. First, the Court finds that the defendants have engaged in a combination or conspiracy against clinics in the Washington metropolitan area, clinics providing abortion services, to carry out the so-called rescues under the banner of "Operation Rescue," "Project Rescue," "D.C. Project" and "The Veterans Campaign for Life." The Court finds that the defendants have engaged in a conspiracy to do that and have committed overt acts in furtherance of it.

The Operation Rescue itself defines "rescue [B-92] missions" as "heroic attempts by God-fearing people to save babies and mothers from abortion on a particular day by peacefully, but physically, blockading abortion mills with their bodies to intervene between abortionists and innocent victims." That quote comes from an exhibit admitted in this case.

So the Court finds that the defendants engaged in a conspiracy. It also finds that it engaged in this conspiracy for the purpose of depriving, either directly or indirectly, a class of persons—namely, women seeking the services of these abortion clinics—of the privileges and immunities under the laws of the United States, namely, the right to travel.

The evidence was clear that a substantial proportion of women for the Virginia clinics come from out of state —20 to 25 percent, as I recall the testimony. And indeed, it's clear that that's true for clinics in other areas of the metropolitan area as well.

It is also clear from the record that the defendants have acted in furtherance of the conspiracy and that by doing so, they have actually effected blockades in the Washington metropolitan area and have deprived that

class of women of their rights and privileges to unhindered interstate travel.

Now, these unlawful rescues have obstructed and [B-93] closed down clinics in the Washington metropolitan area. They've accomplished this by having its membership—that is, the membership of Operation Rescue, various members—trespassing or sitting in or blocking or impeding and obstructing ingress to and egress from such facilities and have impeded the public passage on sidewalks and the streets and the driveways.

While the clinics are closed, patients are unable to receive any medical treatment or services. And although it is not—as I understand it, it is not the case in the Virginia clinics. But in the example provided to the Court of the Maryland clinic, the Court was able to see that some medical emergency could certainly arise. And the Court concludes from the evidence it's heard that it is possible for that to happen even with respect to the Virginia clinics where they do not perform, as I understand it, 23- or 24-week terminations.

Nonetheless, the closing of clinics, the Court finds, does harm not only the clinics but also causes injury to women by disrupting, delaying or denying their access to these facilities. Some may not obtain the medical services when they need them or the counseling or any of the other services.

There's an extensive history of rescues involving blockades and trespasses by Operation Rescue. There [B-94] appears to be litigation in a number of other jurisdictions, and, indeed, it appears to have been enjoined in New York, in Pennsylvania, in the District of Columbia, in Maryland, and I believe in Washington and California as well.

And there's also evidence that the defendants have violated the injunctions in the District of Columbia and Maryland. Now, that doesn't mean that the individuals who actually blockaded in Maryland and the District of Columbia are in contempt of court. They may not have had notice of the injunctions and they may not fit all of

the requirements for a contempt of court action. But it is clear that, notwithstanding the existence of ordinances prohibiting trespassing which exists on the books of District of Columbia, law books of District of Columbia and Maryland, that these individuals are determined, nonetheless, to sit in and blockade, prevent the ingress and egress to these clinics.

And a number of persons have been convicted of crimi-nay offenses for that. It appears that on October 29, 1988, the Falls Church Police Department arrested over 240 people in connection with so-called rescues that occurred at the Commonwealth Women's Clinic, one of the plaintiffs here. Among the persons arrested there was the Defendant Jayne Bray. And the clinic remained closed until after [B-95] 1:30 p.m.

In April '89, the Metropolitan Family Planning Institute was closed between seven in the morning and ten forty-five as a result of rescue efforts. And arrests didn't begin on that day until about 1 p.m.

This past weekend on November 18th at the Hillcrest Women's Surgi-Center in Bowie, Maryland, demonstrators from Operation Rescue closed or their sit-ins and blockades effectively closed that facility between 6 a.m. and 7 p.m.

There was evidence that a number of the patients at that facility were in the process of undergoing abortions that had been commenced the previous day by the insertion of laminaria and that some of these women have traveled from out of state for that purpose. Although this occurred in Maryand and although it appears that late-term terminations are not done at the Virginia facilities, the Court nonetheless concludes that that's evidence from which this Court can and does conclude that blockading of clinics can lead to serious harm to women seeking the services of those clinics.

The defendants, of course, do not publicly state which clinics in the Washington metropolitan area are going to be the subject of rescues. And that fact, combined with

the limitations of the police resources, necessarily means [B-96] that the police action is going to be responsive rather than preventative.

And defendants, of course, as is their right, decline to represent to the Court and to assure the Court that they will avoid any such rescues or blockades in the Northern Virginia area. Nor will the defendants represent to the Court that they will undertake to advise all of their membership to refrain from such threatened and unlawful activities.

As I indicated, the Court is persuaded—and the plaintiffs did satisfy their burden of proof—that unless the defendants' threatened and unlawful conduct is enjoined, and if it came about, that irreparable harm could be done both to the individual health of the women and certainly their right to travel and to the plaintiffs' clinics' right to conduct their business.

Now, the Court's found a conspiracy. The Court also finds that under 1985(3) it is necessary for the Court to conclude that the purpose was to deprive, either directly or indirectly, any person or class of persons of the equal protection of the laws or of the equal privileges and immunities under the law.

Under that requirement, the Court finds that gender-based animus—in this instance, women seeking abortions—is an appropriate class under 1985(3). The [B-97] Court notes that there is substantial lack of uniformity in the law in this connection. But I note that in addition to the Second Circuit, it is also true that the Seventh Circuit in *Volk against Coler* and the Sixth Circuit in *Conklin against Lovely* [phonetic] and the D.C. Circuit in *Hobson against Wilson* [phonetic] all suggest that the—as well as the Ninth Circuit case in *Life Insurance of North America against Reichardt* all suggest that 1985(3) is not simply limited to concerted action against Blacks.

It is, however—and the Court recognizes it—an unsettled question. And indeed, the Fourth Circuit has not settled it either. But at this point, the Court concludes

that the Second Circuit in *National Organization for Women* correctly concludes that a narrow interpretation of the statute 1985(3) as protecting only Blacks and other—is untenable in light of the history of the act.

The Second Circuit concludes that it's untenable to believe that Congress would provide a statutory remedy against private conspiracies, the purpose of which is to deny rights common to every citizen, and exclude women as a class from the shelter of its protection. And the court went on to say: We, therefore, hold that women may constitute a class for purposes of 1985(3).

The Court agrees with that conclusion. The class [B-98] here is the class of women seeking the services of the clinics.

The Court also concludes that the defendants' conspiracy operates to deprive the non-Virginia members of this class of their right to travel. The Court's not persuaded that it was entirely intrastate.

It isn't appropriate to view this solely on the basis of impeding their progress from the sidewalk in Virginia to the front door. It is legally relevant to inquire where the journey commenced, where they reside, and from whence they come to seek these services.

And the right to travel includes the right to unobstructed interstate travel to obtain the abortion and other medical services. And the testimony did establish that the clinics did provide medical services to women who travel from out of state. And it is clear beyond dispute from the record that defendants' activities blocked these women's access.

And the defendants' history of these rescue activities and rescue training sessions in which they counsel their adherence, Operation Rescue's adherence to engage in this blockading, nonviolent activity satisfies the statute's overt act requirement.

And the Court concludes that the right to travel is protected from both personal as well as state [B-99] interference and, therefore, plaintiffs need not prove state involvement to prevail on the claim of deprivation of the right to travel interstate. And accordingly, the Court concludes that the plaintiffs have established all of the elements of the 1985(3) claim for, under the interstate travel aspect of it and are entitled to relief. The subject of what kind of relief, I'll come to shortly.

Now, the plaintiffs also allege infringement of privacy rights, the right of abortion, under 42 United States Code, section 1985(3). This claim is premised on the right to obtain an abortion, a right which apparently stems from *Roe against Wade* and *Griswold*, stemming originally from the First Amendment.

Plaintiffs argue that the right of privacy should not be found solely from the First Amendment but rather should be found to be implicit in the Bill of Rights, apparently as a whole, or the Constitution somewhere as a whole, and should be a right of such dignity as not to require state action.

In any event, the Court doesn't reach this portion of 1985(3). Like the Second Circuit, it doesn't need to reach it. Having found, in effect, on a nonconstitutional basis, a noncontroversial one, that there is a cause of action, there is no need to consider the cause of action that raises what is especially now a hotly [B-100] disputed constitutional issue after *Webster*, namely, what precisely remains of *Roe against Wade* and, moreover, a clearer understanding of where the right to privacy comes from and, hence, where the right to an abortion comes from. The Court simply doesn't need to face that and doesn't.

Now, with respect to trespass, plaintiffs—the Court finds that the defendants' activities do constitute, or the activities of Rescue, if carried out in Northern Virginia, would constitute trespass in violation of Virginia Code sections 18.2-119 and -121. It would also constitute a violation of local trespass ordinances.

Those sections make it unlawful to enter or remain on the property of another after having been forbidden to do so, and to instigate or encourage others to enter or

remain upon the property of another knowing that such persons have been forbidden to do so, and to enter the property of another for the purpose of damaging such property or interfering with the rights of the owner, user or occupant of such property.

Plainly based on the record, the rescue, so-called rescue efforts, if carried out in Northern Virginia—they have been in the past, I should have noted; there is evidence that they have been carried out on a number of occasions in the past—would constitute a violation of those statutes. And, therefore, plaintiffs [B-101] are entitled to relief if that were—and I'll come to what relief.

The Court also concludes that the plaintiffs have established that defendants' rescue activities would constitute a public nuisance under the law of Virginia and that an injunction would be appropriate if there is no adequate remedy at law or the likelihood of irreparable injury.

In sum—and with respect to tortious interference with business relationships, the Court does not believe that that cause of action is either necessary or appropriate as a basis for injunctive relief in this case. It may be that if blockades were to occur, then specific actions might be brought under those circumstances. But that particular cause of action, once you show trespass and nuisance, it really is unnecessary to consider. It involves the element of whether they know about the existence of a contract—that is, whether the defendants know of the existence of a contract—and then interfere with it. And the Court concludes that it isn't necessary to reach that cause of action to give the plaintiffs the relief they seek.

Now, the propriety of injunctive relief. First, the Court concludes that the plaintiffs do have standing. I should have said that at the outset. The organizational [B-102] plaintiffs have standing to represent and to sue on behalf of their members, who include women who will need to use the abortion facilities in Northern Virginia and Washington metropolitan area. And the plaintiff clinics clearly have standing to assert their rights, both

on behalf of their patients and on behalf of their own interests.

And the Court concludes that injunctive relief is appropriate. But it must be tailored; it must be tailored to ensure that defendants' First Amendment rights are not impaired.

And the Court also concludes that the balance of equities weighs in favor of the plaintiffs in this case—because an injunction doesn't stop the defendants from doing anything that they're entitled to do under the law; it merely stops them, seeks to stop them from doing that which the law proscribes.

This is not a case of a clash of rights. This is not a case where parties come to court each asserting constitutional rights which clash and need to be balanced, not the case, for example, which may occur—and, of course, this Court doesn't express any view on it—as in the case that will come to the supreme court, perhaps, on the issue of parental notification, which may involve a balancing of rights. This is not such a case. This is not a case of clash of rights.

[B-103] This is simply a case where the defendants for their own reasons, deeply felt moral reasons, feel compelled to demonstrate in a way that violates the law. The law doesn't permit that, and, therefore, this Court will enjoin that activity permanently. However, I'll indicate some limitations on that in a moment.

In any event, the Court considers that an injunction is appropriate and that an injunction will issue, but one tailored so that nothing in it should be construed to limit the defendants' free exercise of their First Amendment rights.

As I said in the TRO, nothing in the order limits the defendants' First Amendment rights to express their view on abortions publicly and in a proper manner in the vicinity of any facility. But that right cannot be used as an excuse to violate the plaintiffs' rights both to travel interstate and free ingress and egress from the clinics

and to be free of nuisance and trespass in the blockade of their facilities.

I will also have the order terminate by its own terms on June 30, 1990. That means that if it is necessary for some reason for the plaintiffs to continue, or they believe that the activity continues to be threatened, they can return to court.

The reason that the Court limits it to June 30 is [B-104] that one can never tell what sorts of events, legal and otherwise, may overtake this order. But this Court will not hesitate to reenter the order if persuaded that the threat exists in the same way that it's persuaded it exists today. I simply don't want an injunction, a permanent injunction to be there indefinitely.

Did I say "June 30th"? I meant the end of July. I meant to have a full—it's July 31, isn't it? Isn't that the last day of July?

July 31: all right.

In addition, the Court will require the plaintiffs to call this order, when issued, to the attention of the police departments in Northern Virginia. The Court's going to limit the injunction to the Northern Virginia area that it previously limited it to.

And the reasons for those I intimated in the colloquy with you, Mr. Schafer. There are substantial practical considerations, not the least of which is the fact that other courts already have ongoing proceedings.

It would be presumptuous, I think, for this Court to enter an injunction covering the District of Columbia when it would appear that an injunction already exists there; and there may be violations and there may or may not be hearings on it. It would be unnecessarily intrusive of this Court to insert itself in that process. And the same [B-105] is true with respect to Maryland.

So the order will provide that the plaintiffs are to bring this to the attention of the police departments of the various localities, cities and counties, that are mentioned, and

they will include Arlington, Fairfax, Fairfax City, Loudoun, Prince William, City of Alexandria.

Have I omitted any there, Mr. Schafer?

MR. SCHAFER: I don't believe so, Your Honor.

Oh, Falls Church.

THE COURT: Falls Church; all right. And Falls Church.

Now, I think it is also important—and I haven't concluded this yet. I'm going to take this under advisement for a day because I have some additional investigation to pursue in this regard. But I think it would be useful for this order to reflect and to give fair notice to those what a violation of the order might result in in the way of a fine—not that it would be invariably that, certainly not for second or third offenses, but in the absence of extenuating circumstances.

* * * * *